

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

JEREMY HUNT,

Plaintiff,

v.

CIVIL ACTION NO. 1:19-00356

MS. M. CARVER, *et al.*,

Defendants.

MEMORANDUM OPINION AND ORDER

By Standing Order, this action was referred to United States Magistrate Judge Omar J. Aboulhosn for submission of findings and recommendation regarding disposition pursuant to 28 U.S.C. § 636(b)(1)(B). Magistrate Judge Aboulhosn submitted to the court his Findings and Recommendation on November 7, 2019, in which he recommended that the court dismiss plaintiff's Complaint as to the following: (1) Claim of a denial of the right to participate in the BOP's administrative remedy process; (2) Claim of unconstitutional conditions of confinement in violation of the Eighth Amendment; (3) Claim of unconstitutional restriction on telephone privileges in violation of the Eighth Amendment; and refer this matter back to Magistrate Judge Aboulhosn for further proceedings on plaintiff's claims of (1) deliberate indifference regarding his medical and dental care, and (2) violation of the Accardi Doctrine and due process.

Neither party filed any objections to the Magistrate Judge's Findings and Recommendation within the requisite time period for objections. The court adopted these Findings and Recommendation by Memorandum Opinion and Order on January 6, 2020, (ECF No. 41), and by Judgment Order the same day. (ECF No. 42.)

However, Magistrate Judge Aboulhosn made one additional Finding and Recommendation in his PF&R that the court did not issue an Order upon. The Magistrate Judge found that plaintiff failed to state a plausible claim against the following defendants: (1) Mr. Mehle; (2) Mr. Halsey; (3) Mr. Martin; (4) Mr. Stock; and (5) The Captain. (ECF No. 17, at p.18.) Accordingly, Magistrate Judge Aboulhosn recommended that those five defendants be dismissed. (Id.)

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted fourteen days and three mailing days in which to file any objections to Magistrate Judge Aboulhosn's Findings and Recommendation. The failure of any party to file such objections within the time allowed constitutes a waiver of such party's right to a de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989).

Objections to the Proposed Findings and Recommendation were due by November 25, 2019. Neither party filed any objections to the Magistrate Judge's Findings and Recommendation.

Accordingly, the court, in addition to its earlier Orders, (see ECF Nos. 41, 42) also adopts the Finding and Recommendation of Magistrate Judge Aboulhosn as follows:

1. Defendants Mr. Mehle, Mr. Halsey, Mr. Martin, Mr. Stock, and The Captain are **DISMISSED**.

The Clerk is further directed to forward a copy of this Memorandum Opinion and Order to counsel of record and unrepresented parties.

IT IS SO ORDERED this 20th day of March, 2020.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber
Senior United States District Judge